

AMENDED IN SENATE MAY 21, 2009

AMENDED IN SENATE APRIL 27, 2009

SENATE BILL

No. 474

Introduced by Senator Ducheny

February 26, 2009

An act to add Section 14105.1 to the Government Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 474, as amended, Ducheny. Transportation: pilot programs.

Existing law authorizes the Department of Transportation to do any act necessary, convenient, or proper for the construction, improvement, maintenance or use of all highways which are under its jurisdiction. Existing law authorizes the department *and certain local agencies* to enter into agreements for transportation projects under pilot programs using public-private partnerships. Existing law authorizes certain transportation projects under pilot programs using design-build and design-sequencing. For certain transportation pilot programs, existing law makes the department responsible for environmental coordination.

This bill would require the department to provide an annual consolidated report to the Legislature on the progress of and savings resulting from those pilot programs, as specified. The bill would require the department to present to the California Transportation Commission, for its review and comment, a draft of the methodology for determining those savings. The bill would also require the ~~department~~ *lead agency for the project*, prior to awarding any contract or entering into any agreement for a pilot program involving innovative contracting or

financing authority, to make a finding that the use of that authority will provide specified benefits.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 14105.1 is added to the Government Code, to read:

14105.1. (a) The department shall, on an annual basis, provide a consolidated report to the Legislature on the progress of the following pilot programs:

(1) Public-private partnerships.

(2) Design-build and design-sequencing.

(3) Environmental coordination or streamlining under the California Environmental Quality Act or the National Environmental Policy Act.

(4) Any other pilot programs involving innovative construction and contracting techniques.

(b) Prior to awarding any contract or entering into any agreement for a pilot program involving innovative contracting or financing authority under the law, ~~the department~~ *lead agency for the project* shall make a finding that the use of that authority will provide an acceleration in the project completion date, or savings in personnel or financial resources, or bring financial resources to the project that would not otherwise be available. *If a project is under joint control of the department and a local agency, both agencies shall concur in the finding.*

(c) The consolidated report required by this section shall include information on any savings in time or resources resulting from the pilot programs specified in subdivision (a) and the methodology for determining those savings. A draft of the methodology shall be presented to the California Transportation Commission for its review and comment.

(d) Notwithstanding any other provision of law, the consolidated report required by this section shall be the only report required for the pilot programs described in subdivision (a).

1 SEC. 2. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:

5 In order to require reporting for pilot programs, and findings for
6 pilot programs involving innovative contracting or financing, by
7 the Department of Transportation at the earliest possible time, it
8 is necessary that this act take effect immediately.

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